

**COUNTY COUNCIL OF FREDERICK COUNTY WORKSHOP
MINUTES
Tuesday, June 30, 2020**

Council Members M.C. Keegan-Ayer, President; Michael Blue, Vice-President, Jerry Donald, Kai Hagen, Jessica Fitzwater, Phil Dacey and Steve McKay were present for the meeting.

Also present were Ragen Cherney, Chief of Staff, County Council; Bryon Black, County Attorney; Catherine Keller, Assistant County Attorney; Sarah Ambrosio, Recording Secretary; and Nancy Luna, Executive Assistant, County Council.

Council President M.C. Keegan-Ayer called the meeting to order at 4:30 p.m. virtually via video conference.

Opening Statement from Council President M.C. Keegan-Ayer

Good Evening and welcome to the virtual meeting of the Frederick County Council. Today is Tuesday, June 30, 2020, today is a Workshop day for the County Council.

The Frederick County Council is still conducting our meetings on-line during this time and this may continue for the foreseeable future due to concerns about the spread of the COVID virus.

Our meetings continue to be televised on Frederick County Government Channel 19, on Frederick County Government's website: www.FrederickCountyMD.Gov/FCGTV, and as long as we continue to meet virtually, we will be using a software program which allows the public to watch and participate in our meetings. Please go to www.frederickcountymd.gov/councilmeetings in order to watch us on that format.

You may still send us comments via email at (Councilmembers@frederickcountymd.gov), or by calling (301) 600-1135 and leaving a voicemail message. Or using our new format, you may call toll free 855-925-2801 and enter meeting code 8365 to record your comments. As always, all comments received will be reflected in the minutes.

As a reminder during these virtual meetings, I will periodically stop to allow the members to ask any questions they might have on the issue being discussed...calling the council members by name to make sure the public is aware of which member has the floor.

As a continued caution to our Council Members – Please be respectful of each other's time and wait to be recognized before you begin to speak. Remember the microphone issue and please limit your questions to one at a time. I will continue to circle back until all questions appear to be answered.

To begin our meeting, the President started with a roll call vote to determine a quorum, since not everyone was visible on the screen. Members present responded "here". CM Blue, Dacey, Donald, Fitzwater, Hagen, and McKay. The President conducted a roll call of the members. All seven (7) council members responded in the affirmative.

The President then lead a moment of silence to remember those who were working so hard to contain the deadly disease, all those working on the front lines, the doctors, nurses, hospital staff, the emergency responders, the families and friends of those who have been sickened and were fighting for their lives, and unfortunately those who have lost their battle and have died..

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The meeting began with a moment of silence followed by the Pledge of Allegiance.

Confirmation Vote of the Transportation Services Director

Council Member Jerry Donald moved to approve the confirmation of Roman Steichen as the Transportation Services Director. Council Member Steve McKay seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Confirmation of Board of Appeals Applicants

Council Member Michael Blue moved to approve the confirmation of Dan Lawton to the Board of Appeals. Council Member Jessica Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Council Member Michael Blue moved to approve the confirmation of Shannon Bohrer to the Board of Appeals. Council Member Kai Hagen seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Council Member Michael Blue moved to approve the confirmation of Col. Gerald Ziemba as an

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Alternate to the Board of Appeals. Council Member Steve McKay seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Final Action on Proposed Charter Questions and Proposed Amendments

AMENDMENT 1.A to Frederick County Charter

Introduced By: Council Member Steve McKay (District 2)
Introduction Date: June 30, 2020
Adopted/Rejected/Withdrawn: _____

Proposed Charter Amendment – Special Elections for County Council Vacancies

Article II – County Council, Sec. 209. Vacancies

(a) A vacancy occurs when a council member, prior to the expiration of the term for which elected, dies, resigns from office, or becomes disqualified to hold office pursuant to Section 209 of this Charter.

(b) When a vacancy occurs, the remaining council members within forty-five days shall appoint a person to serve ~~[the unexpired term of office]~~ **FOR A TERM PURSUANT TO SUBSECTION (F) OR (G) OF THIS SECTION, AS APPLICABLE.** The appointee shall be selected by a majority vote of the remaining council members. The appointee shall meet the same qualifications and residence requirements and, when succeeding a council member who was elected as a member of a political party, the appointee, shall be a member of the same political party as the council member vacating office was in the most recent election for council member.

~~[(c) When succeeding a council member who was elected as a member of a political party, the appointee shall be selected from a qualified list of three persons submitted to the Council by the County central committee of the political party affiliated with the council member vacating office was in the most recent election for council member, provided the list is submitted within thirty days from the date a vacancy occurs. If no such list is submitted within thirty days, or if the council member vacating office is not a member of a political party, the Council shall appoint the person it deems best qualified to hold office regardless of the person's party affiliation, if any, provided the~~

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~~appointee meets the qualifications and residency requirements provided in subsection (b) of this section.]~~

(c) IF THE VACATING COUNCIL MEMBER WAS LAST ELECTED AS A MEMBER OF A POLITICAL PARTY, THE APPOINTEE SHALL BE SELECTED FROM A QUALIFIED LIST OF THREE PERSONS SUBMITTED TO THE COUNCIL BY THE CENTRAL COMMITTEE OF THE SAME PARTY. THE CENTRAL COMMITTEE MUST PROVIDE THE LIST OF THREE PERSONS WITHIN 30 DAYS OF THE VACANCY DATE. IF NO LIST IS PROVIDED WITHIN 30 DAYS, OR IF THE VACATING COUNCIL MEMBER WAS NOT A MEMBER OF A POLITICAL PARTY WHEN LAST ELECTED, THE COUNCIL SHALL APPOINT A PERSON IT DEEMS BEST QUALIFIED TO HOLD OFFICE, PROVIDED THE APPOINTEE MEETS THE QUALIFICATIONS AND RESIDENCY REQUIREMENTS PROVIDED IN SUBSECTION (B) OF THIS SECTION.

(d) If the Council fails to fill a vacancy pursuant to the provisions of this section, the Executive shall appoint a person to fill the vacancy **WITHIN SIXTY DAYS OF THE VACANCY**. If the County central committee submitted a list of names pursuant to subsection (c) of this section, the person appointed shall be selected from the list. If no such list has been submitted, the Executive shall appoint the person the Executive deems best qualified to hold office regardless of the person's party affiliation, if any, provided the appointee meets the same qualifications and residence requirements as the person who vacated office.

(e) ALL PERSONS CONSIDERED BY THE COUNCIL OR COUNTY EXECUTIVE FOR APPOINTMENT UNDER EITHER SUBSECTION (C) OR (D) OF THIS SECTION, AS APPLICABLE, SHALL BE PRESENTED TO THE PUBLIC, INCLUDING THEIR NAMES AND QUALIFICATIONS. IN ADDITION, THE NOMINEES SHALL BE INTERVIEWED IN PUBLIC BY EITHER THE COUNCIL OR COUNTY EXECUTIVE, INCLUDING THE OPPORTUNITY FOR PUBLIC COMMENT, PURSUANT TO EITHER SUBSECTION (C) OR (D) OF THIS SECTION, AS APPLICABLE.

(f) IF THE VACANCY OCCURS NO LATER THAN 30 DAYS PRIOR TO THE ~~[REGISTRATION]~~ CANDIDATE FILING DEADLINE FOR THE PRESIDENTIAL PRIMARY ELECTION, A NEW MEMBER SHALL BE NOMINATED AND ELECTED BY QUALIFIED VOTERS OF THE COUNCILMANIC DISTRICT IN WHICH THE VACANCY OCCURS, AT THE SAME TIME AS THE PRESIDENTIAL GENERAL ELECTION AND IN THE MANNER PROVIDED BY LAW. IN THE INTERIM, UNTIL A NEW MEMBER IS ELECTED, THE VACANCY SHALL BE TEMPORARILY FILLED PURSUANT TO SUBSECTION (C) OR (D) OF THIS SECTION. A MEMBER APPOINTED UNDER THESE CONDITIONS SHALL SERVE UNTIL THE FIRST MONDAY OF DECEMBER, FOLLOWING THE PRESIDENTIAL GENERAL ELECTION, AT WHICH TIME THE WINNER OF THE PRESIDENTIAL GENERAL ELECTION FOR THE COUNCIL SEAT SHALL ASSUME OFFICE AND SERVE FOR THE REMAINDER OF THE VACATING MEMBER'S TERM.

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(g) IF THE VACANCY OCCURS AFTER 30 DAYS PRIOR TO THE [REGISTRATION] CANDIDATE FILING DEADLINE FOR THE PRESIDENTIAL PRIMARY ELECTION, THE NEW MEMBER SHALL BE APPOINTED PURSUANT TO SUBSECTION (C) OR (D) OF THIS SECTION, AS APPLICABLE, AND SERVE THE REMAINDER OF THE VACATING MEMBER'S TERM.

Council Member Steve McKay moved to substitute Amendment A in place of Amendment 1 on the Proposed Charter Amendment – Special Elections for County Council Vacancies. Council Member Kai Hagen seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

AMENDMENT 2.A to Frederick County Charter

Introduced By: Council Member McKay (District 2)
Introduction Date: June 30, 2020
Adopted/Rejected/Withdrawn: _____

Proposed Charter Amendment – Special Elections for County Executive Vacancies

Article IV – Executive, Section 408. Vacancy in the Office of the County Executive

(a) A vacancy in the Office of the Executive shall exist upon the death or resignation of the Executive, or upon forfeiture of the office as provided in Section 407 of this Charter. A majority of the council members shall appoint, within forty-five days, a person to fill the vacancy **AND TO SERVE A TERM PURSUANT TO SUBSECTION (F) OR (G) OF THIS SECTION, AS APPLICABLE.**

(b) ~~[An appointee, when succeeding a party member, shall be a member of the same political party as the person elected to such office and shall be a nominee of the County central committee of that party.]~~ **IF THE VACATING COUNTY EXECUTIVE WAS LAST ELECTED AS A MEMBER OF A POLITICAL PARTY, THE APPOINTEE SHALL BE SELECTED FROM A QUALIFIED LIST OF THREE PERSONS SUBMITTED TO THE COUNCIL BY THE CENTRAL COMMITTEE OF THE SAME PARTY. THE CENTRAL**

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COMMITTEE MUST PROVIDE THE LIST OF THREE PERSONS WITHIN 30 DAYS OF THE VACANCY DATE. IF NO LIST IS PROVIDED WITHIN 30 DAYS, OR IF THE VACATING COUNTY EXECUTIVE WAS NOT A MEMBER OF A POLITICAL PARTY WHEN LAST ELECTED, THE COUNCIL SHALL APPOINT A PERSON IT DEEMS BEST QUALIFIED TO HOLD OFFICE, PROVIDED THE APPOINTEE MEETS THE QUALIFICATIONS AND RESIDENCY REQUIREMENTS PROVIDED IN SUBSECTION (D) OF THIS SECTION. [AN APPOINTEE, WHEN SUCCEEDING A PARTY MEMBER WHO WAS ELECTED AS A MEMBER OF A POLITICAL PARTY, SHALL BE SELECTED FROM A QUALIFIED LIST OF THREE PERSONS SUBMITTED TO THE COUNCIL BY THE COUNTY CENTRAL COMMITTEE OF THE POLITICAL PARTY AFFILIATED WITH THE COUNTY EXECUTIVE VACATING OFFICE WAS IN THE MOST RECENT ELECTION FOR COUNTY EXECUTIVE, PROVIDED THE LIST IS SUBMITTED WITHIN THIRTY DAYS FROM THE DATE A VACANCY OCCURS.] If the County central committee fails to provide [a nominee] ~~A LIST OF THREE QUALIFIED NOMINEES~~ within the first thirty days of a vacancy, the Council shall appoint any person the Council deems qualified who is a member of the political party.]

- (c) If the Council has not made an appointment within the forty-five day period provided in subsection (a) of this section, the Council shall appoint within fifteen days thereafter: (1) the nominee of the County central committee of the political party, if any, of the person who vacated the office, provided that the political party nominee was provided to the Council within the first thirty days of a vacancy, as required by subsection (b) of this section; or (2) the Chief Administrative Officer, if the person who vacated office was not a member of a political party.], **THE CHIEF ADMINISTRATIVE OFFICER.**
- (d) Any person appointed to fill a vacancy pursuant to this section, except the Chief Administrative Officer, shall meet the qualifications provided in Section 405 of this Charter.
- (e) **ALL PERSONS CONSIDERED BY THE COUNCIL FOR APPOINTMENT UNDER EITHER SUBSECTION (B) OR (C) OF THIS SECTION, AS APPLICABLE, SHALL BE PRESENTED TO THE PUBLIC, INCLUDING THEIR NAMES AND QUALIFICATIONS. IN ADDITION, THE NOMINEES SHALL BE INTERVIEWED IN PUBLIC BY THE COUNCIL, INCLUDING THE OPPORTUNITY FOR PUBLIC COMMENT.**
- (f) **IF THE VACANCY OCCURS NO LATER THAN 30 DAYS PRIOR TO THE CANDIDATE FILING [REGISTRATION] DEADLINE FOR THE PRESIDENTIAL PRIMARY ELECTION, A NEW COUNTY EXECUTIVE SHALL BE NOMINATED AND ELECTED BY QUALIFIED VOTERS AT THE SAME TIME AS THE PRESIDENTIAL GENERAL ELECTION AND IN THE MANNER PROVIDED BY LAW. IN THE INTERIM, UNTIL AN EXECUTIVE IS ELECTED, THE VACANCY SHALL BE TEMPORARILY FILLED PURSUANT TO SUBSECTION (B) OR (C) OF THIS SECTION, AS APPLICABLE. AN EXECUTIVE APPOINTED UNDER THESE CONDITIONS SHALL SERVE UNTIL THE FIRST MONDAY OF DECEMBER, FOLLOWING THE PRESIDENTIAL GENERAL ELECTION, AT WHICH TIME THE WINNER OF THE PRESIDENTIAL GENERAL ELECTION FOR THE EXECUTIVE POSITION SHALL**

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ASSUME OFFICE AND SERVE FOR THE REMAINDER OF THE VACATING EXECUTIVE'S TERM.

(g) IF THE VACANCY OCCURS AFTER 30 DAYS PRIOR TO THE CANDIDATE FILING [REGISTRATION] DEADLINE FOR THE PRESIDENTIAL PRIMARY ELECTION, THE NEW EXECUTIVE SHALL BE APPOINTED PURSUANT TO SUBSECTION (B) OR (C) OF THIS SECTION, AS APPLICABLE, AND SERVE THE REMAINDER OF THE VACATING EXECUTIVE'S TERM.

Council Member Steve McKay moved to substitute Amendment 2A in place of Amendment 2 on the Proposed Charter Amendment – Special Elections for County Executive Vacancies. Council Member Michael Blue seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

The following Proposed Charter Amendment Questions were brought before the Council Members for a vote on which would move forward to the ballot.

Recommendation 2: (Spreadsheet Item #7) Council Member Compensation (Article 2, Section 207) – Remove prohibition on providing fringe benefits for County Council Members as part of their compensation. Recommendation 2 failed 1-6.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald		X	
District 2 – McKay		X	
District 4 – Fitzwater	X		
District 5 – Blue		X	
At-large – Dacey		X	
At-large – Hagen		X	
Presiding Officer – Keegan-Ayer		X	

Recommendation 3: (Spreadsheet Item #9) Council President Additional Compensation (Article 2, Section 207) – Allow the Compensation Commission to recommend an additional salary for the County Council President above that of the other County Council Members. Recommendation 3 failed 2-5.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald		X	
District 2 – McKay	X		
District 4 – Fitzwater		X	
District 5 – Blue		X	
At-large – Dacey		X	
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer		X	

Recommendation 4: (Spreadsheet Item #11) Investigations by the Council (Article 2, Section 211) – Change the number of required votes for the County Council to issue a subpoena to 5 votes instead of 6. Recommendation 4 failed 0-7.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald		X	
District 2 – McKay		X	
District 4 – Fitzwater		X	
District 5 – Blue		X	
At-large – Dacey		X	
At-large – Hagen		X	
Presiding Officer – Keegan-Ayer		X	

Recommendation 5: (Spreadsheet Item #13) Non-Interference (Article 2, Section 212 (b) – Change the wording of the Council non-interference provision to allow County Council members to more easily make requests for information to the County Executive and executive branch staff. Recommendation 5 passed 6-1.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay		X	
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Recommendation 6: (Spreadsheet Item #40) Redistricting Commission (Article 2, Section 214 (b) – Adjust due date for Redistricting Commission recommendations from November 15 to October 15 to comply with earlier Primary Election date in presidential election years. Recommendation 6 failed 0-7.

Council Members	Aye	Nay	Absent/ Abstain/ Present
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District 1 – Donald		X	
District 2 – McKay		X	
District 4 – Fitzwater		X	
District 5 – Blue		X	
At-large – Dacey		X	
At-large – Hagen		X	
Presiding Officer – Keegan-Ayer		X	

Recommendation 7: (Spreadsheet Item #21) Vacancies of the County Executive (Article 4, Section 408 (b) and (c) – Add language to require that an appointed County Executive should be of the same party as the departing County Executive at the time of his or her election and increase the prospective list of nominees from the county central committee from one to two. Recommendation 7 passed 4-3.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay		X	
District 4 – Fitzwater	X		
District 5 – Blue		X	
At-large – Dacey		X	
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Recommendation 8: (Spreadsheet Item #30) Borrowing Limitations (Article 5, Section 508) – Change debt limits from 5% to 3% of real property and from 15% to 9% of personal property. Recommendation 8 passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Proposed Charter Amendment 1A – Special Elections for County Council Vacancies. Proposed Charter Amendment 1A passed 4-3.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald		X	
District 2 – McKay	X		
District 4 – Fitzwater		X	
District 5 – Blue	X		

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At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer		X	

Proposed Charter Amendment 2A – Special Elections for County Executive Vacancies
Proposed Charter Amendment 2A passed 4-3.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald		X	
District 2 – McKay	X		
District 4 – Fitzwater		X	
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer		X	

Proposed Charter Amendment 3 – Frederick County Charter Article 5, Budget and Finance, §506.
Action on the Budget by the Council. Proposed Charter Amendment 3 failed 3-4.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald		X	
District 2 – McKay	X		
District 4 – Fitzwater		X	
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen		X	
Presiding Officer – Keegan-Ayer		X	

Council Member Kai Hagen moved to reconsider Charter Ballot Recommendation #7. Council Member Steve McKay seconded the motion that passed 6-1.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer		X	

Council Member Jessica Fitzwater moved to send Recommendation #7 to the ballot. Jerry Donald seconded the motion that failed 3-4.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay		X	
District 4 – Fitzwater	X		
District 5 – Blue		X	
At-large – Dacey		X	
At-large – Hagen		X	
Presiding Officer – Keegan-Ayer	X		

Recommendation #5, #8, Amendment 1A and Amendment 2A will move forward to the ballot.

Climate Change Resolution Workshop

Council Member Jessica Fitzwater and Council Member Kai Hagen provided information to the Council on the Climate Change Resolution. Council Member Jessica Fitzwater introduced the Climate Change Resolution on a First Read.

Council Resolutions Process and Procedures

Council President M.C. Keegan-Ayer and Ragen Cherney, Chief of Staff, provided information to Council on the Council Resolution Process and Procedures.

Public Comment was heard from:

- Jordan Reed Estes

Adjourn

The meeting adjourned at 6:55 p.m.

M.C. Keegan-Ayer, President
County Council